

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of BESSIE JEAN ANN MCBRIDE,  
ASHLEY JANAE MCBRIDE, JASMINE  
LATRICE MCBRIDE, and ISIAH JAMES  
MCBRIDE, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

EMMA DIXON,

Respondent-Appellant,

and

JAMES MCBRIDE,

Respondent.

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UNPUBLISHED

February 7, 2006

No. 264398

Muskegon Circuit Court

Family Division

LC No. 04-032991-NA

Before: Meter, P.J., Whitbeck, C.J., and Schuette, J.

PER CURIAM.

Respondent-appellant appeals as of right from the order that terminated her parental rights to the minor children pursuant to MCL 712A.19b(3)(i). We affirm.

**I. FACTS**

Respondent Emma Dixon appeals from the June 21, 2005 order that terminated her parental rights to the minor children, Bessie McBride, Ashley McBride, Jasmine McBride and Isiah McBride. The trial court ordered this termination pursuant to MCL 712A.19b(3)(i) (parent's rights to siblings were terminated due to neglect or abuse and the failure of prior rehabilitative attempts). The trial court also terminated the parental rights of the children's father, James McBride, but he did not appeal that determination and is not a party in this case.

On May 18, 2004, a petition was filed against respondent with respect to the four minor children involved in this case plus three additional children. Following a May 18, 2004 preliminary hearing, this petition was authorized and the seven children were placed out of the home. Petitioner filed a termination petition on April 7, 2005. A permanent wardship hearing

was held on June 10, 2005. Although respondent had obtained adequate housing and no longer tested positive for marijuana, she often had several relatives or acquaintances in the home and was verbally inappropriate with her children. A psychological evaluator testified that given respondent's limitations<sup>1</sup> and low self-esteem, it would be hard for her to protect the children from a male abuser. In fact, respondent admitted to failing to protect a child from sexual abuse. Furthermore, at trial, respondent stipulated to allegations of prior termination of parental rights in 1988. In the absence of evidence to the contrary, the court held that termination of respondent's parental rights was in the children's best interests.

## II. BEST INTEREST OF THE CHILD

### A. Standard of Review

The sole issue on appeal is whether the trial court clearly erred in finding that termination of respondent-appellant's parental rights was in the best interests of the children.<sup>2</sup> Once a statutory basis for termination is established, the court must order termination of parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review for clear error the trial court's decision with regard to the child's best interests. *Trejo*, *supra* at 356-357. A finding of fact is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

### B. Analysis

In this case, a review of the whole record shows that respondent-appellant's history with protective services dated back to at least 1988 and included many investigations for unstable housing. Respondent-appellant had mental limitations which, when combined with her low self-esteem, made it hard for her to protect her children. Respondent-appellant admitted to failing to protect a child from sexual abuse. She also had trouble managing her money to the point where she and the children became homeless. During these proceedings, respondent-appellant was in denial about her drug use, continued to use drugs, and was not able to provide a home for the children. Even after she allegedly acknowledged her drug problem by the time of the permanent wardship hearing, she still had not started a drug treatment program. Visitations remained supervised even after respondent-appellant provided a clean drug screen because of concerns over her inappropriate behavior when verbally interacting with the children. Since many of the children had special needs, parenting them was challenging. According to petitioner,

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<sup>1</sup> Respondent's IQ test showed that she was mildly mentally impaired.

<sup>2</sup> The trial court's finding that termination was in the children's best interests goes beyond the statutory best interests inquiry into whether termination was clearly against the best interests of the child. Although the finding in this case was not required by MCL 712A.19b(5), it "is permissible if the evidence justifies it." See *In re Gazella*, 264 Mich App 668, 677-678; 692 NW2d 708 (2005).

respondent-appellant would likely require ongoing assistance if she were the children's caretaker. Although the children wanted to be reunited with respondent-appellant, the need to protect these children from environmental neglect and possible abuse outweighed the bond between her and the children. Therefore, the trial court did not clearly err in holding that termination of respondent-appellant's parental rights was in the children's best interests.

Affirmed.

/s/ Patrick M. Meter  
/s/ William C. Whitbeck  
/s/ Bill Schuette